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Late Backup

ORDINANCE NO. _____

58

Feb. 16, 2017

Initiated by Law

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1211 AND 1301 EAST 5TH STREET IN THE EAST CESAR CHAVEZ NEIGHBORHOOD PLAN AREA FROM TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD PLAN (TOD-NP) COMBINING DISTRICT TO TRANSIT ORIENTED DEVELOPMENT-CENTRAL URBAN REDEVELOPMENT-NEIGHBORHOOD PLAN (TOD-CURE-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from transit oriented development-neighborhood plan (TOD-NP) combining district to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district on the property described in Zoning Case No. C14-2016-0049, on file at the Planning and Zoning Department, as follows:

Description of 3.349 acres (145,880 square feet) of land, more or less, out of Lots 45 through 58, Central Row, a subdivision of record in Book V, Page 661, Plat Records, Travis County, Texas, out of Outlot 3, Division "O", of the government outlots adjoining the Original City of Austin, Travis County, according to the map or plat of said government outlots dated January 1840, on file in the General Land Office, same being out of that tract of land described in Parcels 5 and 6 in a deed to Capital Metropolitan Transportation Authority, of record in Volume 10703, Page 972, Real Property Records, Travis County, Texas, and out of Attayac Street in Austin, Travis County, Texas; said 3.349 acres being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1211 and 1301 East 5th Street in the City of Austin, Travis County, Texas, generally identified in the map attached as Exhibit "B".

PART 2. Density and Height Bonus

- A. The Property is participating in the density and height bonus program established in the Plaza Saltillo Transit Oriented Development Regulating Plan, (Ordinance Nos. 20081211-082 and 20130425-106, the "Plan"), section 4.3.3

1 (Density and Height Bonus). As detailed in this ordinance, development of the
2 Property (the "Project") is granted the site development and building height
3 waivers in section 4.3.3 B of the Plan; shall provide affordable housing under
4 section 4.3.3 C of the Plan; and shall provide fee-in-lieu of affordable housing
5 under section 4.3.3 D of the Plan.

6
7 B. Forty One affordable units will be constructed as part of the development of a
8 combination of the Property subject to this ordinance and the property subject
9 to Ordinance No. 2017_____.

10
11 C. The Property Owner shall pay a fee-in-lieu of providing on-site affordable
12 housing units for the additional square footage above the 2:1 floor-to-area ratio
13 (the "Bonus Square Footage"). The amount of the fee-in-lieu shall be calculated
14 by Neighborhood Housing and Community Department ("NHCD") based upon
15 the Bonus Square Footage of the Project. A building permit may not be issued
16 until:

17
18 1. The Bonus Square Footage is calculated, certified, and submitted to
19 NHCD, Attention: Real Estate and Development Division, and

20
21 2. The fee is paid to NHCD.

22
23 D. In this section, MFI means the median family income for the Austin-Round
24 Rock metropolitan statistical area, as determined annually by the United States
25 Department of Housing and Urban Development. The affordable housing units
26 on the Property shall be set aside for occupancy by households with incomes at
27 or below 50% MFI for all affordable units.

28
29 **PART 3.** The site development regulations for the Property within the boundaries of the
30 CURE combining district established by this ordinance are modified as follows:

31
32 A. The maximum height of a building or structure located within 284.96 feet from
33 the eastern boundary at Waller Street to the western boundary at Attayac Street,
34 shall be limited to 68 feet and no more than 5 stories.

35
36 **PART 4.** The Property is subject to Ordinance No. 20081211-082 that established zoning
37 for the East Cesar Chavez Neighborhood Plan.

PART 5. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the transit oriented development (TOD) district, the central urban redevelopment (CURE) combining district and other applicable requirements of the City Code.

PART 6. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017

§
§
§

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

FIELD NOTES FOR 3.349 ACRES OF LAND

DESCRIPTION OF 3.349 ACRES (145,880 SQUARE FEET) OF LAND, MORE OR LESS, OUT OF LOTS 45 THROUGH 58, CENTRAL ROW, A SUBDIVISION OF RECORD IN BOOK V, PAGE 661, PLAT RECORDS, TRAVIS COUNTY, TEXAS, OUT OF OUTLOT 3, DIVISION "O", OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, ACCORDING TO THE MAP OR PLAT OF SAID GOVERNMENT OUTLOTS DATED JANUARY 1840, ON FILE IN THE GENERAL LAND OFFICE, SAME BEING OUT OF THAT TRACT OF LAND DESCRIBED AS PARCELS 5 AND 6 IN A DEED TO CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY, OF RECORD IN VOLUME 10703, PAGE 972, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND OUT OF ATTOYAC STREET IN AUSTIN, TRAVIS COUNTY, TEXAS; SAID 3.349 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the southwest corner of this tract, said Lot 45 and said Capital Metropolitan Transportation Authority (CapMetro) Parcel 5 tract, same being in the east line of Waller Street and the north line of Fourth Street, said point of beginning having a State Plane Coordinate, Texas Central Zone, NAD83 (96CORS) grid value of N=10,068,865.32, E=3,118,010.10, from which a 1/2" iron rod found at the southeast corner of Lot 44 in said Central ROW subdivision and the southwest corner of CapMetro Parcel 4 tract in said CapMetro deed recorded in said Volume 10703, Page 972, bears N69°38'09"W 60.00 feet;

THENCE, with the west line of this tract, said Lot 45, and said CapMetro Parcel 5 tract and the east line of Waller Street, N20°45'53"E 282.52 feet to a 1/2" iron rod found at the northwest corner of this tract and said CapMetro Parcel 5 tract, same being in the south line of Fifth Street, from which a mag nail found at the northeast corner of said CapMetro Parcel 4 tract bears N69°42'29"W 60.00 feet;

THENCE, with the north line of this tract and said CapMetro Parcel 5 tract, and the north line of said CapMetro Parcel 6 tract and the south line of Fifth Street, S69°42'29"E, passing at 284.96 feet a 1/2" iron rod found with cap at the northeast corner of said CapMetro Parcel 5 tract, continuing an additional 60.00 feet, passing a calculated point at the northwest corner of said CapMetro Parcel 6 tract, continuing an additional 285.08 feet, for a total distance of 630.04 feet to a 1/2" iron rod found with cap at the northeast corner of this tract and said CapMetro Parcel 6 tract, same being in the west line of Navasota Street;

THENCE, with the east line of this tract, an east line of said CapMetro Parcel 6 tract, and the west line of Navasota Street, S20°45'50"W 145.51 feet to a calculated point at an exterior ell corner of said CapMetro Parcel 6 tract, and the northeast corner of Lot 6, Block 5 of R.H. Peck Subdivision, a subdivision of record in Book 5, Page 551, Plat Records, Travis County, Texas, said Lot 6 and Lot 5 in said R.H. Peck Subdivision described in a deed to The Julie Sawyer Family Limited Partnership II, of record in Document No. 2015034568, Official Public Records, Travis County, Texas;

THENCE, with the south line of this tract, the following seven (7) courses, numbered 1 through 7;

1. with a south line of said CapMetro Parcel 6 tract and the north line of said Lots 6 and 5 and said Sawyer tract and Lots 4 and 3 in said R.H. Peck Subdivision, said Lots 4 and 3 described in a deed to James C. Daywood, Trustee, of record in Document No. 2003292407, Official Public Records, Travis County, Texas, N69°17'43"W, passing at 0.31 feet a 1/2" iron rod found, continuing 191.07 feet for a total distance of 191.38 feet to a 3/8" iron rod found at an interior ell corner of said CapMetro Parcel 6 tract and the northwest corner of said Lot 3;
2. with an east line of said CapMetro Parcel 6 tract and the east line of said Lot 58 and the west line of said Lot 3 and said Daywood tract, S20°25'52"W 139.22 feet to a 3/8 inch iron rod found at an exterior ell corner of said CapMetro Parcel 6 tract, the southeast corner of said Lot 58, and the southwest corner of said Lot 3 and said Daywood tract, same being in the north line of Fourth Street;
3. with a south line of said CapMetro Parcel 6 tract, the south line of said Lots 58 through 56, and the north line of Fourth Street, N69°35'57"W 94.50 feet to a 1/2" iron rod found with a plastic cap at the southwest corner of said Lot 56 and said CapMetro Parcel 6 tract, same being in the east line of Attoyac tract;
4. with the west line of said Lot 56 and said CapMetro Parcel 6 tract and the east line of Attoyac Street, N20°45'53"E 100.00 feet to a 1/2" iron rod found with a plastic cap at the northwest corner of said Lot 56;
5. with a north line of said Attoyac Street, N69°35'57"W 60.00 feet to a 1/2" iron rod found with a plastic cap at the northeast corner of said Lot 55, same being in the east line of said CapMetro Parcel 5 tract and the west line of Attoyac Street;
6. with the east line of said Lot 55 and said CapMetro Parcel 5 tract and the west line of Attoyac Street, S20°45'53"W 100.00 feet to a 1/2" iron rod found at the southeast corner of said Lot 55 and said CapMetro Parcel 5 tract, same being in the north line of Fourth Street;

3.349 AC.

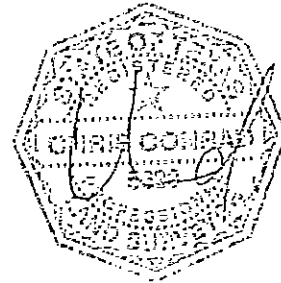
7. with the south line of said Lots 55 through 45 and said CapMetro Parcel 5 tract and the north line of Fourth Street, N69°35'57"W 284.96 feet to the POINT OF BEGINNING and containing 3.349 acres, more or less, within these metes and bounds.

Bearing Basis Note

The bearings described herein are based on the Texas State Plane Coordinate System, Central Zone, NAD83 (96CORS) Datum.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6
Austin, TX 78731 (512) 451-8591
TBPLS Firm# 10095500



12/10/15

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description

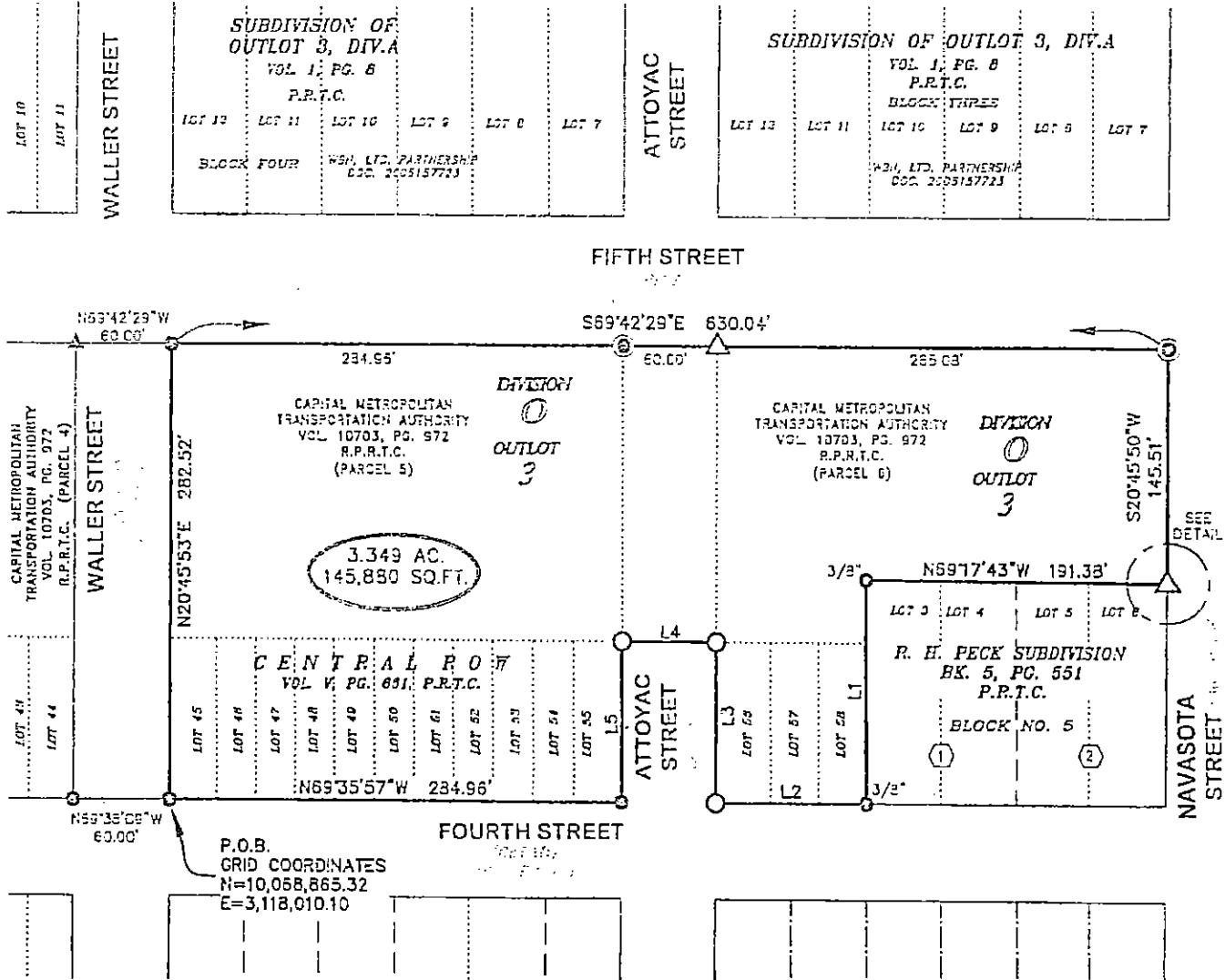
Descriptions 2014/Plaza Saltillo/Tract B

Issued 12/10/15

AUSTIN GRID J-22

CMTA

SKETCH TO ACCOMPANY DESCRIPTION OF 3.349 AC. OR 145,880 SQ. FT.
OF LAND OUT OF LOTS 45-58, CENTRAL ROW, AND OUT OF
OUTLOT 3, DIVISION "O" OF THE GOVERNMENT OUTLOTS,
AUSTIN, TRAVIS COUNTY, TEXAS.



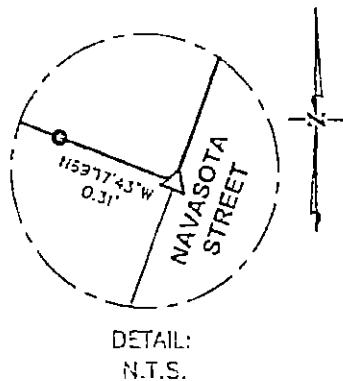
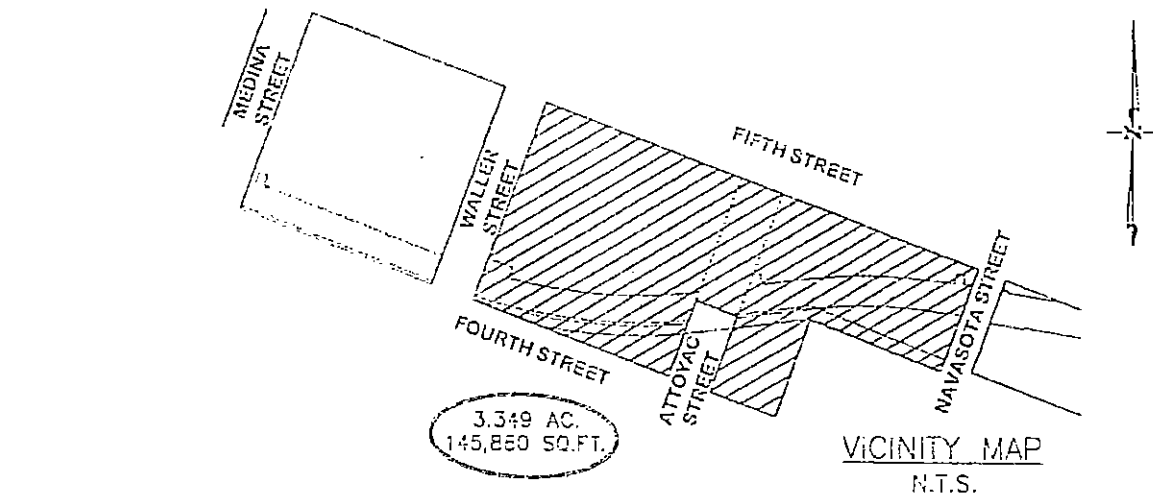
| OWNERSHIP CHART | | | |
|-----------------|---|-----------------------------|-------------------|
| PROPERTY ID | OWNER | RECORD INFORMATION | EXECUTED DATE |
| ① | JAMES C. DAYWOOD, TRUSTEE | DOC. 2003292407, O.P.R.T.C. | DECEMBER 31, 2003 |
| ② | THE JULIE J. SAWYER FAMILY LIMITED PARTNERSHIP II | DOC. 2015031558, O.P.R.T.C. | MARCH 5, 2015 |

SCALE 1" = 100'

| LINE TABLE | | |
|------------|-------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S20°25'52"W | 139.22 |
| L2 | N69°35'57"W | 94.50 |
| L3 | N20°45'53"E | 100.00 |
| L4 | N69°35'57"W | 60.00 |
| L5 | S20°45'53"W | 100.00 |

PAGE 4 OF 5
SURVEYED BY:McGRAY & McGRAY
LAND SURVEYORS, INC.TBPLS FIRM# 10095500
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

SKETCH TO ACCOMPANY DESCRIPTION OF 3.349 AC. OR 145,880 SQ. FT.
OF LAND OUT OF LOTS 45-58, CENTRAL ROW, AND OUT OF
OUTLOT 3, DIVISION "O" OF THE GOVERNMENT OUTLOTS,
AUSTIN, TRAVIS COUNTY, TEXAS.

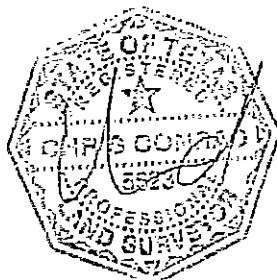


NOTES:

1. THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (96 CORS) DATUM.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN OWNERSHIP AND EASEMENT REPORT.
3. REFERENCE TO THE OUTLOT OF DIVISION "O" SHOWN HEREON ARE FROM THE TOPOGRAPHICAL MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, DATED JANUARY, 1840, ON FILE WITH THE GENERAL LAND OFFICE OF THE STATE OF TEXAS.

LEGEND

- ⊙ 1/2" IRON ROD FOUND WITH CAP
- 1/2" IRON ROD SET WITH CAP "MCGRAY MCGRAY"
- ▲ MAG NAIL FOUND
- ⊙ 1/2" IRON ROD FOUND (EXCEPT AS NOTED)
- △ CALCULATED POINT
- (xxx) RECORD INFORMATION
- N.T.S. NOT TO SCALE
- P.O.B. POINT OF BEGINNING
- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY



Chris Conrad

12/10/15

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623

DATE

Note: This copy of this plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

M:\CMTA-IH35-COMAL\DWG\Parcels\Plaza Saltillo\Tract B

PAGE 5 OF 5
SURVEYED BY:

ISSUED: 12/10/15

McGRAY & McGRAY
LAND SURVEYORS, INC.
TBPLS FIRM# 10095500
3301 HANCOCK DRIVE #5
AUSTIN, TEXAS 78731
(512) 451-8591

AUSTIN GRID# J-22

JOB NO.: 15-040

